

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OYSTER OPTICS, LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

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CIVIL ACTION NO. 2:18-CV-00479-JRG

SUPPLEMENTAL DOCKET CONTROL ORDER

The Court issues this Order *sua sponte*. On May 11, 2020, the Federal Circuit issued an opinion affirming this Court's Order Granting Defendants' Motion for Partial Summary Judgment Regarding their Release Defense in *Oyster Optics, LLC v. Coriant America, Inc. et al*, No. 2:16-cv-1302-JRG (the "-1302 Case"). (Case No. 2:16-cv-1302, Dkt. No. 894.) In view of the same, it is hereby **ORDERED** that the following schedule of deadlines shall be in effect until further order of this Court:

I. Pre-Trial Conference

The Pre-Trial Conference shall be held on **Wednesday, June 17, 2020 at 9:00 a.m. central** in person in Marshall, Texas.

II. Trial

Jury selection and trial are set for **Monday, July 6, 2020 at 9:00 a.m. central** in person in Marshall, Texas.

III. Pre-Trial Order

By or before **June 8, 2020**, the Parties shall refile a Proposed Joint Pretrial Order in view of the current posture of this case.

IV. Dispositive Motions, Motions to Strike Expert Testimony (including Daubert Motions)

The Parties shall refile by or before **June 2, 2020** any of the pretrial motions previously filed in the -1302 Case prior to the Order severing the claims in the -1302 Case (Case No. 2:16-cv-1302-JRG, Dkt. No. 850), to the extent the disputes contained therein are live and applicable to this case. The Parties shall include in any such filing all opposition, reply, sur-reply briefs and all supporting declarations and evidence as previously tendered.

The Parties may supplement their damages expert reports solely to adjust mathematic calculations of damages caused by the severing of this case and the passage of time related thereto. Any such supplemental damages report shall be served by or before June 2, 2020 and any response thereto shall be served by or before June 9, 2020.

V. Motions in limine

The Parties shall file any motions *in limine* by or before **June 2, 2020**. Opposition briefs shall be due by or before **June 9, 2020**. The Parties are ordered to meet and confer on any outstanding objections on motions *in limine*. The Parties shall (by notice filed on the docket) advise the Court of any agreements reached regarding the same no later than **10:00 a.m. on June 15, 2020**.

VI. Verdict Form

The Parties shall submit their proposals for the verdict form by or before **June 8, 2020**.

VII. Juror Questionnaires


If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by or before **June 8, 2020**. Such questionnaires shall conform to the Court's Standing Order regarding the same.

VIII. Notice of Daily Transcripts or Real Time Reporting

If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov by or before **June 8, 2020**.

The provisions hereof shall control and be in lieu of any conflicting provision of any earlier entered docket control order in this or any predecessor case.

So ORDERED and SIGNED this 26th day of May, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE